

Bureau of Health Care Quality & Compliance

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>NVS5068HIC</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____	(X3) DATE SURVEY COMPLETED  <b>08/21/2009</b>
NAME OF PROVIDER OR SUPPLIER  <b>L&amp;M RESIDENTIAL CARE FACILITY 1</b>		STREET ADDRESS, CITY, STATE, ZIP CODE <b>6363 PINION JAY ST LAS VEGAS, NV 89147</b>		
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H 000	<p>Initial Comments</p> <p>This Statement of Deficiencies was generated as a result of a state licensure survey conducted in your facility from 8/4/09 to 8/17/09.</p> <p>This State Licensure survey was conducted by authority of NAC 449, Homes for Individual Residential Care, adopted by the State Board of Health on November 29, 1999.</p> <p>The findings and conclusions of any investigation by the Health Division shall not be construed as prohibiting any criminal or civil investigations, actions or other claims for relief that may be available to any party under applicable federal, state or local laws.</p> <p>The census at the time of the survey was three. Three resident files and two employee files were reviewed.</p> <p>The following deficiencies were identified:</p>	H 000		
H 019	<p>Director Duties-No FA/CPR</p> <p>NAC 449.15523 Director: Duties. (NRS 449.249) The director of a home shall: 4. Ensure that a caregiver, who is capable of meeting the needs of the residents and has been trained in first aid, and cardiopulmonary resuscitation, is on the premises of the home at all times when a resident is present.</p> <p>This Regulation is not met as evidenced by: Based on record review and staff interview from 8/4/09 through 8/17/09, the director did not ensure that 3 of 4 caregivers had received</p>	H 019		

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TITLE

(X6) DATE

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

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H 019	Continued From page 1  training in cardiopulmonary resuscitation (CPR) and first aid (Employee #2, #3, and #4).	H 019		
H 050	Tuberculosis-Employees  NAC 441A.375 Medical facilities, facilities for the dependent and homes for individual residential care: Management of cases and suspected cases; surveillance and testing of employees; counseling and preventive treatment. 1. A case having tuberculosis or suspected case considered to have tuberculosis in a medical facility or a facility for the dependent must be managed in accordance with the guidelines of the Centers for Disease Control and Prevention as adopted by reference in paragraph (h) of subsection 1 of NAC 441A.200. 2. A medical facility, a facility for the dependent or a home for individual residential care shall maintain surveillance of employees of the facility or home for tuberculosis and tuberculosis infection. The surveillance of employees must be conducted in accordance with the recommendations of the Centers for Disease Control and Prevention for preventing the transmission of tuberculosis in facilities providing health care set forth in the guidelines of the Centers for Disease Control and Prevention as adopted by reference in paragraph (h) of subsection 1 of NAC 441A.200. 3. Before initial employment, a person employed in a medical facility, a facility for the dependent or a home for individual residential care shall have a: (a) Physical examination or certification from a licensed physician that the person is in a state of good health, is free from active tuberculosis and any other communicable disease in a contagious stage; and (b) Tuberculosis screening test within the	H 050		

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H 050	<p>Continued From page 2</p> <p>preceding 12 months, including persons with a history of bacillus Calmette-Guerin (BCG) vaccination.</p> <p>If the employee has only completed the first step of a 2-step Mantoux tuberculin skin test within the preceding 12 months, then the second step of the 2-step Mantoux tuberculin skin test or other single-step tuberculosis screening test must be administered. A single annual tuberculosis screening test must be administered thereafter, unless the medical director of the facility or his designee or another licensed physician determines that the risk of exposure is appropriate for a lesser frequency of testing and documents that determination. The risk of exposure and corresponding frequency of examination must be determined by following the guidelines of the Centers for Disease Control and Prevention as adopted by reference in paragraph (h) of subsection 1 of NAC 441A.200.</p> <p>4. An employee with a documented history of a positive tuberculosis screening test is exempt from screening with skin tests or chest radiographs unless he develops symptoms suggestive of tuberculosis.</p> <p>5. A person who demonstrates a positive tuberculosis screening test administered pursuant to subsection 3 shall submit to a chest radiograph and medical evaluation for active tuberculosis.</p> <p>6. Counseling and preventive treatment must be offered to a person with a positive tuberculosis screening test in accordance with the guidelines of the Centers for Disease Control and Prevention as adopted by reference in paragraph (g) of subsection 1 of NAC 441A.200.</p> <p>7. A medical facility shall maintain surveillance of employees for the development of pulmonary symptoms. A person with a history of tuberculosis or a positive tuberculosis screening test shall report promptly to the infection control specialist,</p>	H 050		

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H 055	Continued From page 4  (1) Has had a cough for more than 3 weeks; (2) Has a cough which is productive; (3) Has blood in his sputum; (4) Has a fever which is not associated with a cold, flu or other apparent illness; (5) Is experiencing night sweats; (6) Is experiencing unexplained weight loss; or (7) Has been in close contact with a person who has active tuberculosis. (b) Within 24 hours after a person, including a person with a history of bacillus Calmette-Guerin (BCG) vaccination, is admitted to the facility or home, ensure that the person has a tuberculosis screening test, unless there is not a person qualified to administer the test in the facility or home when the patient is admitted. If there is not a person qualified to administer the test in the facility or home when the person is admitted, the staff of the facility or home shall ensure that the test is performed within 24 hours after a qualified person arrives at the facility or home or within 5 days after the patient is admitted, whichever is sooner. (c) If the person has only completed the first step of a two-step Mantoux tuberculin skin test within the 12 months preceding admission, ensure that the person has a second two-step Mantoux tuberculin skin test or other single-step tuberculosis screening test. After a person has had an initial tuberculosis screening test, the facility or home shall ensure that the person has a single tuberculosis screening test annually thereafter, unless the medical director or his designee or another licensed physician determines that the risk of exposure is appropriate for a lesser frequency of testing and documents that determination. The risk of exposure and corresponding frequency of examination must be determined by following the guidelines as adopted by reference in paragraph	H 055		

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H 055	Continued From page 5  (h) of subsection 1 of NAC 441A.200. 3. A person with a documented history of a positive tuberculosis screening test is exempt from skin testing and routine annual chest radiographs, but the staff of the facility or home shall ensure that the person is evaluated at least annually for the presence or absence of symptoms of tuberculosis. 4. If the staff of the facility or home determines that a person has had a cough for more than 3 weeks and that he has one or more of the other symptoms described in paragraph (a) of subsection 2, the person may be admitted to the facility or home if the staff keeps the person in respiratory isolation in accordance with the guidelines of the Centers for Disease Control and Prevention as adopted by reference in paragraph (h) of subsection 1 of NAC 441A.200 until a health care provider determines whether the person has active tuberculosis. If the staff is not able to keep the person in respiratory isolation, the staff shall not admit the person until a health care provider determines that the person does not have active tuberculosis. 5. If a test or evaluation indicates that a person has suspected or active tuberculosis, the staff of the facility or home shall not admit the person to the facility or home or, if he has already been admitted, shall not allow the person to remain in the facility or home, unless the facility or home keeps the person in respiratory isolation. The person must be kept in respiratory isolation until a health care provider determines that the person does not have active tuberculosis or certifies that, although the person has active tuberculosis, he is no longer infectious. A health care provider shall not certify that a person with active tuberculosis is not infectious unless the health care provider has obtained not less than three consecutive negative sputum AFIB smears which were collected on	H 055			

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H 999	<p>Continued From page 7</p> <p>This Regulation is not met as evidenced by: NRS 449.0105 " Home for individual residential care " defined. " Home for individual residential care " means a home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two persons with mental retardation or with disabilities or who are aged or infirm, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services.</p> <p>Based on record reviews, interviews, and observation from 8/4/09 to 8/17/09, it was determined the facility had admitted three residents, which exceeded their licensing requirement.</p> <p>Findings include:</p> <p>An initial on-site visit was conducted on 8/8/09. Caregiver #1 reported there were currently three residents at the facility. Caregiver #1 provided files of Resident #1 and Resident #2, but reported that Resident #3 was a boarder.</p> <p>Resident #1 - The resident was admitted on 4/1/09. Caregiver #1 admitted to assisting the resident with medications and documented his assistance in the medication administration record (MAR). A review of the MAR confirmed the caregiver was administering medications to the resident. The resident was alert and oriented. The resident stated the facility provided room, board, transportation to and from medical/dental appointment and assistance with his medications. The resident denied the he needed assistance with toileting or bathing. The record review further indicated a monthly rate for occupancy of</p>	H 999		

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H 999	<p>Continued From page 8</p> <p>\$1,100.</p> <p>Resident #2 - The resident was admitted on 1/1/09. Caregiver #1 admitted to assisting the resident with medications and documented his assistance in the medication administration record. A review of the MAR confirmed the caregiver was administering medications to the resident. The resident was alert and oriented. He indicated that the facility provided him room and board, as well as assistance with his medications. The resident denied the he needed assistance with toileting or bathing. The record review further indicated a monthly rate for occupancy of \$1,100.</p> <p>Resident #3 - The resident was admitted on 12/5/08. Caregiver #1 admitted to assisting the resident with medications and documented his assistance in the medication administration record. A review of the MAR confirmed the caregiver was administering seven daily medications to the resident, three of which were antipsychotic medications. The owner reported she was unaware the caregiver provided medication assistance to the resident. The resident was alert and oriented. The resident stated the facility provided room, board, and assistance with his medications. The resident denied the he needed assistance with toileting or bathing. He further stated he received the " same " services as the other two residents. During an interview with the resident ' s caseworker, the caseworker reported the resident suffered from acute psychosis and had problems living unsupervised. The caseworker further reported the facility was expected to provide room, board, assistance in medication management and money management. The resident had a different rate agreement that</p>	H 999			

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H 999	Continued From page 9  indicated for \$850/month, the facility would only provide the resident with room and board.  After review of resident records, observations, and interviews with Resident #1, #2, #3 and caregivers, it was determined that Residents #1, #2 and #3 all required assistance with medications and Resident #3 required additional supervision. It was determined that the director of the facility had admitted three residents to a facility licensed for two, was over census since 4/1/09 and therefore was operating a Residential Facility for Groups without a license.	H 999			

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